

**1** **RAMZY P. LADAH**  
Nevada Bar No. 11405  
**2** **JOSEPH C. CHU**  
Nevada Bar No. 11082  
**3** **LADAH LAW FIRM**  
517 S. Third Street  
**4** Las Vegas, NV 89101  
litigation@ladahlaw.com  
**5** T: 702.252.0055  
F: 702.248.0055  
**6** *Attorneys for Plaintiff Janet Lynn Foster*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JANET LYNN FOSTER, an individual,

Case No.: 2:17-cv-02294-RFB-GWF

Plaintiff,

VS.

GNLV, CORPORATION dba GOLDEN  
NUGGET LAS VEGAS HOTEL AND CASINO,  
a domestic corporation; DOE EMPLOYEE;  
DOES I through XXX, inclusive and ROE  
BUSINESS ENTITIES I through XXX,  
inclusive.

**Stipulation and Order to Re-Open Discovery  
and Extend Pre-Trial Deadlines  
(First Request)**

### Defendants.

17 Plaintiff, JANET LYNN FOSTER (“Plaintiff”) and Defendant GNLV, CORPORATION dba  
18 GOLDEN NUGGET LAS VEGAS HOTEL AND CASINO (“Defendant”), by and through their  
19 undersigned counsel of record, hereby stipulate to reopen discovery for a period of 90 days and extend  
20 pre-trial deadlines, pursuant to LR 6-1 and LR 26-4. This is the parties’ first stipulation to reopen  
21 discovery and extend pre-trial deadlines. The parties have not previously requested an extension of  
22 discovery.

23

24

25

26



1     **I. DISCOVERY COMPLETED TO DATE**

- 2         • Plaintiff served her Fed. R. Civ. P. 26 initial disclosure of witnesses and documents,  
3             and served two supplements thereto.
- 4         • Defendant served their Fed. R. Civ. P. 26 initial disclosure of witnesses and documents,  
5             and served three supplements thereto.
- 6         • Defendant served Plaintiff with written discovery requests, and Plaintiff has served  
7             responses thereto.
- 8         • Plaintiff served Defendant with written discovery requests, and Defendant has served  
9             responses thereto.
- 10         • Defendant has taken the deposition of Plaintiff.
- 11         • Plaintiff has taken the deposition of Defendant's employee and security officer Noel  
12             Vega.

13     **II. DISCOVERY SCHEDULED, BUT NOT YET COMPLETED**

14         Prior to the close of discovery, Plaintiff served timely notices of deposition of the following  
15         witnesses:

- 16         • Defendant's Corporate Representative/30(b)(6) Designee as to eight (8) specified  
17             topics;
- 18         • Security officer, Joel Marrufo;
- 19         • Security officer, Brian Hickok;
- 20         • Eyewitness, Colleen Ferguson; and
- 21         • Plaintiff's orthopedic surgeon, Dr. Kevin Vanden Berge.

22         However, the parties experienced difficulty securing dates for several witnesses. This was not  
23         due to a lack of diligence on the part of counsel, but rather due to the limited availability of the  
24         witnesses and other logistical issues surrounding their depositions. The parties have long agreed that,  
25         in light of these issues, those depositions timely noticed would be completed even if beyond the  
26         original discovery cutoff date.



1      **III. GOOD CAUSE AND EXCUSABLE NEGLECT NECESSITATING RELIEF**

2      The parties have been working together since January to coordinate the depositions of the  
3      various remaining parties, but have experienced difficulty throughout the process. For instance, prior  
4      to noticing the deposition of Plaintiff's surgeon, Dr. Vanden Berge, the parties sought to obtain  
5      complete and updated copies of the corresponding treatment and billing records. However, Dr.  
6      Vanden Berge practices out of a small hospital in a small town in central Texas (Stephenville), thus  
7      obtaining all such records required several requests and follow-ups. Thereafter, noticing Dr. Vanden  
8      Berge's appearance for deposition took several additional weeks. (This deposition has since been set  
9      and confirmed.)

10     Similar difficulties were encountered in coordinating the deposition of nonparty witness  
11    Colleen Ferguson, who also resides in Texas. Compounding matters, two of the three Golden Nugget  
12    employees identified in the incident report no longer work for Golden Nugget and thus could not be  
13    immediately located and produced for deposition. However, counsel has continued to work together  
14    to resolve each of these issues, and the parties are positioned to complete all necessary discovery  
15    within additional time period requested.

16     The parties are very cognizant of the Court's rules regarding extensions of discovery and the  
17    deadlines imposed for seeking the same. Admittedly, an extension of discovery would have been  
18    preferable to the instant stipulation to reopen. Nevertheless, the parties emphasize that they did not  
19    previously request any extensions of the discovery period or of the pretrial deadlines. The parties  
20    further emphasize that they have worked together at all phases to conduct discovery in an efficient and  
21    accommodating manner, and will continue to do so to ensure that all such tasks are completed within  
22    the additional discovery period requested. The parties respectfully submit that this stipulation is being  
23    submitted in good faith and not for improper or dilatory purposes. This stipulation does not seek to  
24    reopen expert deadlines.

25     ...

26     ...



1 VI. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY

2 The parties hereby submit the following proposed schedule for completing all remaining  
3 discovery:

- 4 (1) Initial expert disclosures: CLOSED  
5 (2) Amending pleadings or adding parties: CLOSED  
6 (3) Rebuttal expert disclosures: CLOSED  
7 (4) Interim Status Report: CLOSED  
8 (5) Discovery cutoff: **Friday, May 18, 2018**  
9 (6) Dispositive motions: **Monday, June 18, 2018**  
10 (7) Pretrial order: **Wednesday, July 18, 2018**

11 DATED this 2<sup>nd</sup> day of April, 2018.

DATED this 2<sup>nd</sup> day of April, 2018

12 **LADAH LAW FIRM**

**PYATT SILVESTRI**

13 /s/ Joseph C. Chu, Esq.

/s/ Richard J. Pyatt, Esq.

14 **JOSEPH C. CHU**

Nevada Bar No. 11082

15 517 S. Third Street

Las Vegas, NV 89101

16 Attorneys for Plaintiff Janet Lynn Foster

**RICHARD PYATT**

Nevada Bar No. 2777

701 Bridger Avenue, Suite 600

Las Vegas, NV 89101

17 Attorneys for Defendant GNLV Corporation  
dba Golden Nugget Las Vegas Hotel & Casino

18 **O R D E R**

19 Based upon the foregoing Stipulation to Re-Open Discovery and Extend Pre-Trial Deadlines  
20 (First Request):

- 21 1. The close of discovery shall be extended to **Friday, May 18, 2018**.  
22 2. The deadline for filing dispositive motions shall be extended to **Monday, June 18, 2018**.  
23 3. The deadline for filing the pretrial order shall be extended to **Wednesday, July 18, 2018**.  
24 4. All other discovery and pre-trial deadlines shall remain unchanged.

25 DATED: 4-3-2018 \_\_\_\_\_

IT IS SO ORDERED.

A handwritten signature in blue ink that reads "George Foley Jr."

26 UNITED STATES MAGISTRATE JUDGE